

MEMORANDUM

Agenda Item No. 11(A)(28)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the federal government to take measures to prevent boating accidents at the North Jetty at Government Cut and other similar federally-maintained areas along waterways in Miami-Dade County

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney



APW/cp



MEMORANDUM

(Revised)

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(28)

Veto _____

10-5-16

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FEDERAL GOVERNMENT TO
TAKE MEASURES TO PREVENT BOATING ACCIDENTS AT
THE NORTH JETTY AT GOVERNMENT CUT AND OTHER
SIMILAR FEDERALLY-MAINTAINED AREAS ALONG
WATERWAYS IN MIAMI-DADE COUNTY

WHEREAS, Florida has the largest number of registered boats in the country; and

WHEREAS, Miami-Dade County is a coastal county that is home to a large number of waterways that are heavily used year-round for recreational and commercial boating; and

WHEREAS, for example, Government Cut is a manmade shipping and boating channel between Miami Beach and Fisher Island that provides a direct path of access from PortMiami to the Atlantic Ocean; and

WHEREAS, the Government Cut channel includes a jetty that extends from South Pointe Pier at Miami Beach out into the Atlantic Ocean ("North Jetty"); and

WHEREAS, both Government Cut and its North Jetty are maintained by the United States Army Corps of Engineers and the channel markers and other aids to navigation for Government Cut are maintained by the United States Coast Guard; and

WHEREAS, while waterways in Miami-Dade County have existing channel markers, these waterways have been the site of numerous boating accidents, and the jetties, including the North Jetty at Government Cut, have been described as difficult to see at night, especially during high tides; and

WHEREAS, this lack of visibility can present challenges for boaters who are attempting to navigate around or through the waterways; and

WHEREAS, the North Jetty at Government Cut was recently the site of a fatal and tragic boating accident; and

WHEREAS, on September 28, 2016, United States Senator Marco Rubio (R – Florida) submitted a request to Admiral Paul F. Zukunft, Commandant, United States Coast Guard, and the Honorable Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works to provide a comprehensive assessment of the North Jetty and include any pertinent recommendations to enhance safety for boaters to navigate around and through Government Cut, a copy of which is attached (“Attachment A”) and incorporated by reference; and

WHEREAS, according to data from the United States Coast Guard, someone is injured or killed in a boating accident every 2 ½ hours; and

WHEREAS, this Board believes that the federal government should do all that it can to prevent boating accidents in the areas that it maintains along waterways in Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the federal government to take measures to prevent future boating accidents at the North Jetty at Government Cut and other similar federally-maintained areas along waterways in Miami-Dade County.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to Senator Marco Rubio and the remaining members of the Florida Congressional Delegation, Admiral Paul F. Zukunft, Commandant, United States Coast Guard, and the Honorable Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works.

Section 3. Directs the County's federal lobbyists to advocate for the issues identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 Federal Legislative Package to include this item and also to include this item in the 2017 Federal Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MBV

Michael B. Valdes

MARCO RUBIO
FLORIDA

United States Senate

WASHINGTON, DC 20510

September 28, 2016

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION

FOREIGN RELATIONS

SELECT COMMITTEE ON INTELLIGENCE

SMALL BUSINESS AND
ENTREPRENEURSHIP

Admiral Paul F. Zukunft
Commandant
United States Coast Guard
2701 Martin Luther King Jr. Ave, SE
Washington, D.C. 20593-7816

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
Department of the Army
109 Army Pentagon
Washington, D.C. 20310-0108

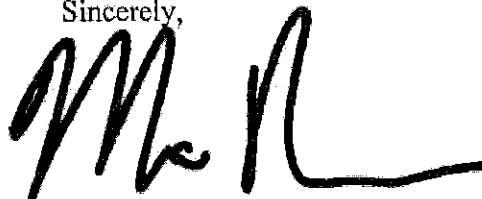
Dear Admiral Zukunft and Assistant Secretary Darcy:

Florida leads the nation in the number of registered boats and thus, unfortunately also leads the nation in boating related fatalities. While state and online education and safety courses are good resources for boating enthusiasts, the federal government has a role in ensuring residents and tourists are able to enjoy Florida's beautiful waters safely. Responsibility falls on each individual to follow safety standards, as well as our governments and agencies to maintain navigational beacons and permitted structures that may be potential safety threats.

As you well know, Florida is home to numerous jetties, which serve an important role in guiding boat traffic, protecting coastlines and preventing sand from entering channels. These structures must be maintained to ensure they remain functional as well as safe. Recent reports from a tragic and fatal accident have called into question the visibility of a specific jetty in Miami Beach. While our hearts are heavy with grief for the numerous lives lost every year on the water, we can do more to save others.

The jetty in question has been described by many as difficult to see at night, especially during high tides when the structure is submerged. As a boater myself, I have experienced firsthand the challenges this particular jetty can present to others trying to navigate around it. As such, I respectfully request your agencies coordinate to produce a comprehensive assessment of the jetty near the Government Cut channel as well as offer any pertinent recommendations to enhance safety for boaters to navigate around and through them. I appreciate your attention to this important matter and look forward to your expeditious response.

Sincerely,



Marco Rubio
United States Senator

cc: The Honorable Rick Scott

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